

April 17, 2013

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Dr. Franca R. Jones  
Assistant Director – Chemical and Biological Countermeasures  
Office of Science and Technology Policy

REF: United States Government Policy for Institutional Oversight of Life Sciences Dual Use  
Research of Concern

Dear Dr. Jones:

The American Association for the Advancement of Science (AAAS) is the world's largest multi-disciplinary scientific society with over 120,000 members and 262 affiliated societies, and the publisher of the prestigious peer-reviewed journal *Science*. The Association has conducted a number of activities related to the role of science in national security. We respectfully submit the following comments with the interest of strengthening our nation's ability to prevent misuse of the life sciences.

**National Security Assessment.** AAAS recognizes that sensitive national security information cannot be shared openly with institutional reviewers, research administrators, and principal investigators. However, federal funding agencies should be informed of relevant national security concerns to inform their dual use assessments of funding initiatives or grant applications.

**Access to Institutional Dual Use Assessments.** The government's policy states that institutions should make their dual use review and oversight procedures and policies available to the public. However, one potential concern is access to the actual assessments through the Freedom of Information Act (FOIA) and sunshine laws of certain states. The U.S. government should develop processes to help research institutions handle these requests responsibly.

**Access to Federal Dual Use Assessments.** The March 29, 2012 federal policy does not discuss whether the rationale for funding decisions based on federal dual use assessments will be available to the public or for expert review. Greater clarity on how the government bases its funding decisions with respect to DURC would: 1) promote accountability of funding decisions; 2) build a body of knowledge that will help improve practice over time; and 3) develop public trust in the process of federal DURC review. The U.S. government should establish a process through which critical, non-sensitive information included in the federal review of potential DURC research could be communicated to the public.

**Appeals Process.** Although the March 29, 2012 policy states that the federal funding agency will work with institutions and researchers to minimize any dual use risks identified, the policy should include a clearly prescribed process for researchers and their institutions to appeal an initial government decision to decline funding or, in cases where the research is already underway, to halt funding.

**Training Materials.** To help scientists and administrators understand the plausibility and severity of dual use concerns of life sciences research, the U.S. government should communicate national security consequences of past research about which terrorist entities professed interest or actually used to cause

harm. These examples are extremely important to engendering trust between the scientific and security communities and promoting active cooperation of the scientific community to identify and minimize potential dual use risks. Current training materials lack this information and the government should designate funds to support their development.

**Breadth of Policy Coverage.** The March 29, 2012 federal policy and February 2013 institutional policy explicitly list fifteen pathogens and seven experiments that could constitute DURC. Do the policies apply to research involving actual pathogens or do they also cover research with only components of pathogens (e.g., genetic material, informatics data, or proteins)? The policy should clearly define the full scope of its coverage.

**Communication of DURC.** While U.S. policy is based on National Security Decision Directive 189 (NSDD-189), which supports open communication of basic research, except when the work is classified, the recent H5N1 papers highlighted several challenges associated with communication of DURC. Although the National Science Advisory Board for Biosecurity has issued its recommendations on responsible communication, the H5N1 papers demonstrated that no formal guidance exists to assist scientists to communicate their research and results responsibly. The government should work with research institutions and other scientific organizations to develop effective tools to train scientists in responsible communication, whether at the grant proposal stage, at conferences or seminars, or when publishing.

Most recently, AAAS/*Science* has been involved with domestic and international efforts to address responsible communication of U.S. government-sponsored studies on H5N1. Concurrently, AAAS, in collaboration with the Association of American Universities, Association of Public and Land-grant Universities, and Federal Bureau of Investigation, held a meeting on sharing best practices of existing institutional programs for review and oversight of DURC.<sup>1</sup> We refer you and your colleagues to the meeting proceedings to assist in addressing several of the questions listed in OSTP's request for public comment. The meeting proceedings also provide insight into the feasibility and challenges of implementing review and oversight of DURC at research institutions.

AAAS stands ready to help OSTP and its federal partners in assessing feasibility of implementation, identifying challenges and possible solutions, developing training materials, and encouraging participation of the scientific community in addressing dual use concerns.

Should you have any additional questions or require further information, please do not hesitate to contact Kavita Berger at 202-326-7027 or [kberger@aaas.org](mailto:kberger@aaas.org).

Sincerely,



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<sup>1</sup> AAAS, AAU, APLU, FBI. (2012) *Bridging Science and Security for Biological Research: A Discussion about Dual Use Review and Oversight at Research Institutions*. Available at: <http://www.aaas.org/cstsp/programs/bridging-science.shtml>.